IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 13021 of 2004

Between:

M/s. Sri Durga Manikyamba Rice Mill, Sultanagaram, Machilipatnam, Krishna District rep by Managing Partner A. Hari Rama Krishna S/o A. Gopala Krishna Murthy

..... PETITIONER

AND

1 The Commercial Tax Officer, Machilipatnam Krishna District
2 The District Manager Food Corporation of India, Vijayawada, Krishna District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction particularly in the nature of Writ of Mandamus declaring the inaction of the first respondent in issuing Garnishee Notice on 24-05-2004 under the provisions of Section-17 of the APGST ACT, 1957 as served on 29-05-2004withoit disposing of the representations submitted by the petitioner on 28-05-2004 and without furnishing the taxable turnovers for assessment years 1999-2000 and 2000-2001 as also the earlier assessment orders by implementing government the orders as illegal, arbitrary and unfair improper and opposed to the Principles of Natural justice and consequently direct the first respondent herein to consider and dispose of the representations of the petitioner by appropriate proceedings determining the modified turnover liable to tax and not to initiate coercive steps for recovery of any arrears

Counsel for the Petitioner:MR.M.V.J.K.KUMAR

Counsel for the Respondent No.1: GP FOR COMMERCIAL TAXES

Counsel for the Respondent No.2: MR.B.ANJANEYULU, STANDING COUNSEL FOR FOOD CORPORATION OF INDIA

The Court made the following :

ORDER:

(per Sri Bilal Nazki, J)

Heard the learned counsel for the parties.

During the course of hearing, it came to our notice that a representation of the petitioner is pending with the respondents. Since the representation is pending, we deem it appropriate not to entertain this Writ Petition at this stage and direct the authorities concerned to dispose of the representation after hearing the petitioner as early as possible. Till the representation is decided, coercive steps may not be taken against the petitioner. It is reported that garnishee notice has already been issued. That may not also be given effect to till the disposal of the Writ Petition.

Writ Petition is accordingly disposed of. No costs.

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BILAL NAZKI, J

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S. ANANDA REDDY,J

DATED: 27.7.2004.

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ASSISTANT REGISTRAR

// TRUE COPY//

SECTION OFFICER

To

1 The Commercial Tax Officer, Machilipatnam Krishna District
2 The District Manager Food Corporation of India, Vijayawada, Krishna District

3. 2 CC to G.P for Commercial Taxes, High Court Buildings, High Court of A.P. Hyderabad.(OUT)

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